

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)	
)	
Request for Review of a Decision of the)	Administrator Correspondence Dated
Universal Service Administrative Co. for)	July 28, 2014
Santa Ana Unified School District)	
)	
Schools and Libraries Universal Service)	CC Docket No. 02-6
Support Mechanism)	

**REQUEST FOR REVIEW OF DECISION OF THE UNIVERSAL SERVICE
ADMINISTRATION COMPANY, SCHOOLS AND LIBRARIES DIVISION BY SANTA ANA
UNIFIED DISTRICT, OR IN THE ALTERNATIVE, REQUEST FOR A WAIVER OF SECTION
54.511(a) OF THE COMMISSION'S RULES**

Appellant/Organization Name	Santa Ana Unified School District
Funding Year	2013
Entity Number	143778
FCC Form 471 Number	879783
Funding Request Number	2442913

In accordance with sections 54.719 through 54.721 of the Commission's rules, Santa Ana Unified School District ("SAUSD" or "Applicant") requests the Federal Communications Commission's ("FCC" or "Commission") review of a decision of the Schools and Libraries Division of the Universal Service Administrative Company ("USAC" or "Administrator")¹. SAUSD requests the Commission consider the information set forth in this appeal that supports SAUSD's compliance with the Commission's competitive bidding rules and to fully reinstate the funding associated with the contract awarded under the bidding process described.

OVERVIEW

Santa Ana Unified School District is a metropolitan school district comprised of 61 schools and over 56,000 students, 82% of which are English language learners and 91% are eligible for free and reduced priced meals.² Under the schools and libraries universal service support mechanism, eligible schools, libraries, and consortia that include eligible schools and libraries, may apply for discounts on eligible telecommunications services, Internet access, internal connections, and basic maintenance of internal connections³. Under this regulatory authority, SAUSD annually submits E-rate application(s) for discounts on eligible products and services.

BACKGROUND and REQUEST FOR REVIEW

We are asking the Commission to review the Administrator's decision to fully deny Funding Request Number 2442913 due to what it perceived as a rule violation in the assignment and scoring of various factors in the award of a contract for E-rate eligible services. In its review, the Administrator

¹ July 28, 2014 Administrator's Decision on Appeal

² Statistics available at: <http://www.sausd.k12.ca.us/domain/3>.

³ 47 C.F.R. §§ 54.502, 54.503

determined that the Applicant “violated the Commission’s competitive bidding requirements by considering the price of eligible and ineligible products/services as the primary factor in its vendor selection process.”⁴ We will show in this appeal that the Applicant factored the price of eligible products/services most heavily in its evaluation process, and therefore was in compliance with program rules.

To summarize, the Applicant conducted a competitive bidding process and bid evaluation in compliance with program rules. It posted a FCC Form 470 and RFP and made both available for a minimum of 28 days before awarding a contract. The price of E-rate eligible services was given the most consideration in the evaluation process, more than any other single factor. However, the completion of the bid assessment document was not administered as well as it could have been, and the resulting final bid assessment document did not clearly reflect what actually happened in the bid evaluation process when taken at face value. We do not believe it is appropriate that the Applicant be penalized with a total denial of its funding commitment due to an imperfect administration of its bid assessment document when it shall be made clear that there was no actual rule violation involved.

In the fall of 2012, the Applicant conducted a competitive bidding process for 1 Gigabit and 10 Gigabit fiber optic broadband services. It posted a FCC Form 470 and released an accompanying RFP for a minimum of 28 days. On page 9 of the RFP⁵, the evaluation criteria for the basis of award were clearly outlined.

The Applicant used an E-rate Bid Assessment Worksheet⁶ (“Worksheet”), based upon USAC’s Bid Evaluation Matrix (Points Based) SAMPLE⁷ published on its website, as a tool to perform and document the bid evaluation process per the criteria established in the RFP and in accordance with FCC rules of giving the highest consideration to the cost of E-rate eligible services in the award of a contract.

⁴ July 28, 2014 Administrator’s Decision on Appeal

⁵ Attached document SANTA ANA UNIFIED SCHOOL DISTRICT REQUEST FOR PROPOSALS #03-13 E-RATE YEAR 16 (2013/2014)

⁶ Attached document E-rate Bid Assessment Worksheet

⁷ Attached Bid Evaluation Matrix (Points Based) SAMPLE

The Worksheet unambiguously stated in two places (highlighted for the purposes of this review) that the cost of E-rate eligible services must be given the most consideration. The factors for evaluation listed on the Worksheet matched up, for the most part, to the criteria listed on page 9 of the RFP although the descriptions of the factors on the Worksheet were somewhat truncated due to space issues:

Evaluation Criteria as it appears on RFP (page 9)	Factor Description on Worksheet	Factor No. on Worksheet
9.c.i. Qualification: To be considered, each of the following (4) items is required: (1) the Offeror is an authorized manufacturer's representative (2) the firm has no conflict of interest with regard to any other work performed by the firm for the District; (3) the firm has a SPIN number on file with the SLD; and (4) the firm submits a demonstrable record of quality work.	Proposal qualifications	3
9.c.ii. Past Performance: Experience and expertise of the firm in providing similar equipment and services to other public entities, especially a school district, and including the firm's experience and performance on comparable size school district engagements.	Past Performance	4
9.c.iii. Professional qualifications and specialized experience of the proposed staff including the quality of the firm's professional personnel to be assigned to the engagements and the quality of the firm's management support personnel to be available for technical consultation; and the adequacy of the proposed staffing plan for various segments of the engagement and adequacy of analytical procedures.	Professional qualifications and specialized experience	5
9.c.iv. Current capacity and likelihood of the firm to accomplish the services herein for the duration of the time frame specified in the "Statement of Work" which include working during holidays, weekends, swing shifts, evening times, etc.	Capacity of bidder to perform work specified	6
9.c.v. Proposed Services meet or exceed Districts specifications included	Services meet of exceed work specified	7
9.c.vi. Completeness and clarity of proposal content.	Completeness and clarity of proposal	8
9.c.vii. Fees and overall cost to District.	Cost of eligible goods and services	1
	Cost of ineligible goods and services	2

It was the responsibility of the Applicant to develop and assign the maximum scoring values to each of the factors on the Worksheet, with the highest maximum available points being assigned to the cost of E-rate eligible services. The Applicant, in following the instructions, did not have any issues with

assigning values and applying scoring for factors numbered 3 through 8 onto the Worksheet since they were directly translated from the criteria listed in the RFP. However, it did have issues with clearly assigning values and applying scores for Worksheet factors 1 and 2 since the RFP criteria *fees and overall cost to the District* did not perfectly align with cost of E-rate eligible services and cost of E-rate ineligible services on the Worksheet.

Since there was not a clear one-to-one ratio of the RFP evaluation criteria *fees and overall cost to the District* to the Worksheet factors, the Applicant struggled with how to apply its understanding of what comprised *fees and overall cost to the District* to the factor on the Worksheet. The Applicant did not modify the Worksheet but rather applied a separate logic outside of the Worksheet to address *fees and overall cost to the District*, and then attempted to force fit it into the sample Worksheet.

The Applicant applied the following logic to its RFP criteria of *fees and overall cost to the District* and how it translated to the factors present on the Worksheet:

“Fees” = Defined as recurring and/or non-recurring cost of actual services quoted by the vendor to provide the requested broadband fiber service. Costs could be either eligible for E-rate discount or ineligible for E-rate discount.

The cost for **ineligible services** (i.e. any fees identified in the vendor bids as being ineligible for E-rate discounts) would be scored on factor 2 of the Worksheet. A total available point value of 5 was assigned to factor 2. This point value assigned was relatively low compared to the other factors in the Worksheet since the District predicted that there was a low probability of any vendors quoting an ineligible cost related to E-rate eligible fiber broadband services. However the Applicant felt that this criterion should still be included since that, although unlikely, there still remained the possibility that a vendor’s solution might contain ineligible costs and wanted to be prepared to address this if the need arose.

The RFP criterion “**Fees**” also included the cost for **eligible services**, which the Applicant predicted would probably represent the majority or totality of quoted costs for E-rate eligible fiber broadband services. This was addressed on factor 1 of the Worksheet along with other factors outlined below.

In addition to evaluation of either E-rate eligible or ineligible quoted costs for services, the Applicant also wished to evaluate other indirect costs, such as required equipment upgrades and staff time, as reflected in the criterion “Overall Costs to the District” outlined in its RFP. Unfortunately, at this point the applicant was in a quandary, as there was not a separate line on the sample Worksheet to address indirect costs. The Applicant therefore addressed the evaluation of these indirect costs, as well as the E-rate eligible costs, outside of the matrix tool in what it ultimately deemed as “Overall Cost to the District” as defined below. The combined score would then be transcribed into factor 1 of the Worksheet.

“Overall Cost to the District” = Combination of “Fees” (**E-rate eligible costs**) and **indirect costs** to the District associated with the services bid. Indirect costs represented costs not included on the vendor quote but rather the cost the District would incur indirectly as a result of ordering services from the vendor such as required equipment upgrades and staff time. The applicant broke out the assignment of available points in “Overall Cost to the District” in the following manner:

Eligible cost of service per bid = 16 maximum available points

Indirect cost of service to District = 14 maximum available points

The combination of “fees” (**E-rate eligible costs**) and **indirect costs** to the District would be scored on line 1 of the matrix and were assigned a total possible point value of 30.

The final assignment of evaluation factors and maximum points available for the purposes of evaluating bids in response to the RFP was the following:

Criteria	Maximum Available Points
Proposal qualifications	10
Past Performance	10
Professional qualifications and specialized experience	10
Capacity of bidder to perform work specified	15
Services meet or exceed work specified	15
Completeness and clarity of proposal	5
Cost of ineligible goods and services	5
Indirect cost of service	14
Eligible cost of service per bid	16

The assignment of 16 possible available points for the E-rate eligible cost of service was higher than any other factor, and met the FCC requirement that the cost of E-rate eligible services must be given the highest consideration in the vendor selection process.

Unfortunately, the Applicant did not modify the wording on the Bid Assessment Worksheet under factor 1 even though it addressed the evaluation of the Indirect cost of service and Eligible cost of service under a separate worksheet described as “Total Cost to the District.”⁸ The Applicant took the results of this separate evaluation and transcribed the results of the scores under factor 1, which was, in light of what actually happened, now not labeled correctly since it still stated “Cost of E-rate Eligible Services” and was not updated to “Total Cost of Service to the District.” This resulted in an imperfectly executed final E-rate Bid Assessment Worksheet.⁹

However, even though the label for criterion 1 on the Worksheet was unchanged from its draft to final form, the imperfect documentation of the process does not render the actual evaluation process conducted, as described above, as *de facto* non-compliant with program rules as claimed by the Administrator in its decision. While we agree that the applicant’s execution of its evaluation documentation was problematic because the assignment of scoring was unclear and without further explanation might seem, at face value, to be non-compliant, we feel there is strong evidence to support the fact that the Applicant conducted its process in compliance with program rules.

⁸ Attached document Total Cost of Service to District

⁹ Attached document Completed E-rate Bid Assessment Worksheet

In light of the information set forth in this appeal, we urge the Commission to reconsider the decision made by the Administrator to deny this funding request and restore the FRN cited above to its original funding request level. Loss of this funding would inflict undue hardship on the District. The District relies upon Universal Service funds for support of essential Broadband connectivity to its schools. Without these funds, the District will be forced to use its General Funds to pay for these services, funds which could be used for teachers' salaries and other critical education functions.

REQUEST FOR WAIVER

In the event that the Commission does not grant SAUSD's appeal, the District requests, in the alternative, and pursuant to Section 1.3 of the Commission's Rules, that the Commission grant a waiver of its rules to permit SAUSD to qualify under the Telecommunications Act 47 C.F.R § 1.3. For the reasons detailed below, SAUSD believes such a waiver is equitable and consistent with the Act as well as prior Commission waivers relating to the evaluation of competitive bids.

Section 1.3 provides that the Commission may waive its rules "if good cause therefore is shown."¹⁰ A waiver is appropriate here because SAUSD complied with the requirements of the Telecommunications Act. The only reason funding has been rescinded is that USAC contends that the Applicant did not weigh the cost of E-rate eligible services most heavily in selecting a service provider and awarding a contract. To the contrary, the Applicant did weigh the cost of E-rate eligible services most heavily in its award of a contract. In the event the Commission does not agree with the District that it complied with the letter and intent of 47 C.F.R. § 54.511(a) it should waive these rules and reverse the Administrator's decision of July 28, 2014.

There is no evidence in the record that SAUSD engaged in activity intended to defraud or abuse the E-rate program. Denying its request for funding would create undue hardship and prevent it from

¹⁰ 47 C.F.R § 1.3.

receiving E-rate funding for work already performed by the contracted service provider. Accordingly, good cause exists to grant SAUSD a waiver of section 54.511(a) of the Commission's rules.

We appreciate your consideration of our request and anxiously await your decision. Any additional questions, concerns or request for additional documentation related to this appeal should be directed to:

Cathy Benham
CSM Consulting, Inc.
cbenham@csmcentral.com
909-944-7798

Most Sincerely,



Cathy Benham
Director of Consulting Services
3130-C Inland Empire Blvd.
Ontario, CA 91764



Universal Service Administrative Company
Schools & Libraries Division

Administrator's Decision on Appeal – Funding Year 2013-2014

July 28, 2014

Cathy Benham
CSM consultng
3130-c Inland Empire Blvd.
Ontario, CA 91764

Re: Applicant Name: SANTA ANA UNIF SCHOOL DISTRICT
Billed Entity Number: 143778
Form 471 Application Number: 879783
Funding Request Number(s): 2442913
Your Correspondence Dated: July 18, 2014

After thorough review and investigation of all relevant facts, the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (USAC) has made its decision in regard to your appeal of USAC's Funding Year 2013 Funding Commitment Decision Letter for the Application Number indicated above. This letter explains the basis of USAC's decision. The date of this letter begins the 60 day time period for appealing this decision to the Federal Communications Commission (FCC). If your Letter of Appeal included more than one Application Number, please note that you will receive a separate letter for each application.

Funding Request Number(s): 2442913
Decision on Appeal: **Denied**
Explanation:

- Documentation provided during the selective review demonstrates that the applicant violated the Commission's competitive bidding requirements by considering the price of eligible and ineligible products/services as the primary factor in its vendor selection process. FCC rules require applicants to carefully consider all submitted bids prior to entering into a contract, and to treat the price of eligible products and services as the primary factor in selecting the winning bid. Because you included the cost of ineligible products and services in the most heavily weighted factor, your evaluation was not in compliance with FCC rules and funding will be denied. In response to USAC's intent to deny letter you provided a revised bid evaluation which was created in response to that letter. You explained that the cost of eligible goods and services totaling 30 possible points included indirect costs totaling 14 possible points that are not E-rate

eligible such as man hours and equipment upgrade costs. In addition, you had an additional factor, costs of ineligible goods and services totaling 5 possible points. However, applicants cannot create new documentation after the fact and must be able to demonstrate that the district was in compliance with the applicable rule at the time the application was filed. Because you were not in compliance with the FCC rule at the time of the filing of the application, funding was denied. On appeal, you did not provide new information to show otherwise, therefore your appeal is denied.

- FCC rules require that applicants select the most cost-effective products and/or services offering with price being the primary factor. Applicants may take other factors into consideration, but in selecting the winning bid, price must be given more weight than any other single factor. *See* 47 C.F.R. sec. 54.511(a); also, Request for Review of the Decision of the Universal Service Administrator by Ysleta Independent School District, El Paso, Texas, et al., Federal-State Joint Board on Universal Service, Changes to the Board of Directors of the National Exchange Carrier Association, Inc., SLD Nos. 321479, et al., CC Docket Nos. 96-45, 97-21, Order, 18 FCC Rcd 26407, 26429, FCC 03-313 para. 50 (rel. Dec. 8, 2003). Ineligible products and services may not be factored into the cost-effective evaluation. *See* Common Carrier Bureau Reiterates Services Eligible for Discounts to Schools and Libraries, CC Docket No. 96-45, Public Notice, 13 FCC Rcd 16570, DA 98-1110 (rel. Jun. 11, 1998).

Since your appeal was denied in full, dismissed or cancelled, you may file an appeal with the FCC. Your appeal must be postmarked within 60 days of the date on this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. You should refer to CC Docket No. 02-6 on the first page of your appeal to the FCC. If you are submitting your appeal via United States Postal Service, send to: FCC, Office of the Secretary, 445 12th Street SW, Washington, DC 20554. Further information and options for filing an appeal directly with the FCC can be found under the Reference Area/"Appeals" of the SLD section of the USAC website or by contacting the Client Service Bureau. We strongly recommend that you use the electronic filing options.

We thank you for your continued support, patience and cooperation during the appeal process.

Schools and Libraries Division
Universal Service Administrative Company

cc: Michael P. Bishop, Sr.



SANTA ANA UNIFIED SCHOOL DISTRICT

REQUEST FOR PROPOSALS

#03-13

E-RATE YEAR 16 (2013/2014)

WIDE AREA NETWORK SERVICES (WAN) FOR THE SANTA ANA UNIFIED SCHOOL DISTRICT

PROPOSAL DEADLINE DATE:

December 19, 2012

By 9:00 a.m.

SUBMIT PROPOSALS TO

Jonathan Geiszler

Director, Purchasing & Stores

SANTA ANA UNIFIED SCHOOL DISTRICT

1601 E. Chestnut Avenue, Purchasing Dept., Rm A150

Santa Ana, California 92701

Phone: 714.558.5775

Fax: 714.558.5880

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REQUEST FOR PROPOSALS
#11-12
E-RATE YEAR 16 (2013/2014)

WIDE AREA NETWORK SERVICES (WAN) FOR THE SANTA ANA UNIFIED SCHOOL DISTRICT

REQUIREMENTS

The Santa Ana Unified School District (SAUSD) is pleased to issue this Request for Proposals (RFP) for upcoming "Year 16" round of E-Rate for Wide Area Network Services (WAN) for the Santa Ana Unified School District (See STATEMENT OF WORK for full scope).

Unless extended by an amendment to the RFP, the due date and time for the receipt of proposals is on or before Wednesday, December 19, 2012, at 9:00 a.m. PST, at the Purchasing Department of the Santa Ana Unified School District, 1601 E. Chestnut Ave., Santa Ana, CA 92701.

Please see the Santa Ana Unified School District Internet web site at www.sausd.us/erate. Additional general District information is available by calling (714) 558-5775.

Firms are strongly encouraged to submit any comments or exceptions to the RFP materials including the anticipated basis of the agreement, as described above in the space allotted on the web site listed above no later than Wednesday, December 19, 2012. Explanations will be provided for all to view on the abovementioned site.

Please submit five (5) proposal copies, plus a complete copy on DVD/CD/flash drive. Receipt of proposals is required on or before Wednesday, December 19, 2012.

These projects and services depend on partial funding from the E-rate program.

For the purposes of this proposal, bidders are referred to as Service Provider, bidder or vendor. The District is referred to as District.

- (a) The District expects each Service Provider to make themselves thoroughly familiar with any rules or regulations regarding the E-rate program.
- (b) The Service Provider is responsible for providing a valid SPIN (Service Provider Identification Number) and FCC Registration Number (FRN) at the time the bid is submitted. **Any potential service provider found to be in Red-Light Status will be disqualified from participation in the bidding process and will be considered non-responsive.**
- (c) All Service Providers will be responsible for procuring the discounted amount from the SLD.
- (d) The District may use this proposal to issue purchase orders and pay for items on a purchase order that are not eligible for E-Rate discounts. The District will use District funds for these purchases.

- (e) Prices must be held firm for the duration of the E-Rate Year 16 fiscal year ending September 30, 2014 or until all work associated with the awarded contracts is complete (including any SLD approved extensions.)
- (f) The District reserves the right to deny any or all proposals associated with this RFP, even with SLD funding approval. The District reserves the right to accept the pricing proposal solely dependent upon SLD approval.
- (g) In addition, the District reserves the right to fund, (proceed with project or purchase) or not to fund regardless of E-Rate approval.
- (h) All contracts entered into as a result of this RFP will be contingent upon the specific funding of the FRN at the percentage rate submitted.
- (i) The maximum percentage the District will be liable for is the pre-discount amount minus the funded amount as shown on the form 471 Block 5. The Service Provider will be responsible for invoicing the Schools and Libraries Division for the funded amount.
- (j) NO billing or work can take place before July 1, 2013 for submission to the SLD for reimbursement.
- (k) No change orders will be allowed for the work resulting from this posting.
- (l) The Service Provider will be required to send copies of all forms and invoices submitted to SLD prior to invoicing the SLD to the District for our records. Within three (3) weeks of award, Service Provider will provide District with bill and materials suitable for SLD Item 21. Approval for any deviation from Item 21 must be obtained from District. Schedule of values and invoices for each site must match Item 21 or subsequent service substitutions.
- (m) In the event of questions during the E-Rate audit process, the successful Service Provider is expected to reply within 3 days to questions associated with their proposal.
- (n) All work is subject to the 100% approval of the project or purchase by the FCC under the E-rate discount program of the Telecommunications Act of 1996.

INSTRUCTIONS AND CONDITIONS

1. DEFINITIONS:

- a. As used herein, "RFP" means this Request for Proposal, RFP 03-13.
- b. As used herein, "District" or "SAUSD" means the Santa Ana Unified School District.
- c. As used herein, "Offeror" means the Firm or Contractor submitting a Proposal.
- d. As used herein, "Offer" means the Proposal.
- e. As used herein, "Contract" means an associated Agreement with the District.
- f. As used herein, "Contractor" means the firm or Contractor that is awarded the contract with the District

2. PREPARATION OF PROPOSALS:

a. CONTENTS OF PROPOSAL

OFFERORS must submit five (5) paper proposal copies, in addition to a complete copy on DVD/CD/flash drive. All proposals shall address the following items in the order listed below. The proposal is to demonstrate the qualifications, competence and capacity of the firm as well as specify the model and make of all equipment being proposed:

- i. **COVER LETTER** – Stating 1) the validity of the firm and irrevocable proposal/offer being valid for sixty days after RFP closing date, 2) work will be completed on or before the Districts required completion date (if work is to be completed prior to Districts requirement, it must state so in the letter), and 3) other appropriate items. The proposal must bear the signature of a person duly authorized to sign the proposal on behalf of the Offeror, and reference this RFP 03-13 and accept its terms and conditions or clearly and conspicuously indicate any exceptions.
- ii. **DESCRIPTION OF FIRM** - This section should provide a brief description of the firm and statement of interest and qualifications for providing the requested equipment and services, include information regarding the size, location, nature of work performed, and years in business, and approach that will be used in meeting the needs of the District. The firm should list and describe the firm's professional relationships involving the District for the last five years, together with a statement explaining why such relationships do not constitute a conflict of interest relative to perform the proposed services. Also, the firm shall give the District written notice of any professional relationships entered into during the period of this agreement.
- iii. **PERSONNEL** - Submit resume(s) or profiles of the individual(s) who will be assigned to provide the requested services, including their qualifications and recent related experience providing similar services. The Offeror should state the size of the firm and the number/nature of the staff to be employed in this engagement on a full-time and on a part-time basis. An affirmative statement should be included that the firm and all assigned key professional staff are currently and properly certified or licensed to perform the services.
- iv. **CAPACITY & METHODOLOGY** - Use this section to address the ability of the firm to undertake and accomplish the required scope of work for which you are requesting consideration.

- v. PAST PERFORMANCE – Description of past performances of similar service and related experience. In addition, the firm shall provide information on the circumstances and status of any disciplinary action taken or pending against the firm during the past three (3) years with state regulatory bodies or professional organizations. The firm will list the most relevant and significant engagements performed in the last five (5) years that are similar to the size of engagement described in this request for proposal. These engagements should be ranked on the basis of project size. The firm will indicate the scope of work, date, engagement partners, total hours, and the name and telephone number of the principal client contact.
- vi. CUSTOMER SERVICE TO SAUSD COMMITMENT – Describe how the firm will provide service and fulfill the requirements and expectations of the District. Provide a description of how services will be performed by Offeror. Offerors are encouraged to provide additional information or description of resources the firm feels is pertinent to the RFP. Include letters of reference or testimonials. Ongoing commitment to providing outstanding customer service, professional development/education of staff and the number and type of employees must be indicated.
- vii. Firm Financial Statement.
- viii. Offerors shall execute and submit with any proposal/offer, the attachment 1 “Firm Proposal/Offer Form.”
- x. Offerors shall execute and submit with any proposal/offer, the attachment 5 “Noncollusion Declaration Form.”
- xi. Each Offeror must answer the questions in Attachment 2 of the RFP entitled: “Information Required of Offeror.” Note: Questions may be answered in other sections of the proposal if clearly and conspicuously identified.
- xii. Each Offeror must propose a Schedule of Fees and Charges (pricing) including the following information:
 - a. Equipment
 - i. Hardware and software
 - 1. Manufacturer, make, and model
 - 2. Technical information including detailed specifications and product literature
 - b. Labor
 - i. Detailed breakdown of hours and manpower to be used
 - ii. Qualifications of manpower
 - iii. Training, including classroom time, per diem expenses, or any other expenses deemed necessary by Offeror
 - c. Miscellaneous
 - i. Cabling, harnesses, wires, or any other related items required to perform work (Can be placed in one category)
 - ii. Warranties
 - iii. Any other expenses deemed necessary by Offeror

- xiii. Five (5) paper copies of the proposal and a complete copy on a DVD/CD or flash drive shall be sealed together and submitted by not later than the closing date and time. Proposals shall be delivered to the attention of: Jonathan Geiszler, Director, Purchasing & Stores, Purchasing Department, Santa Ana Unified School District, 1601 E. Chestnut Ave., Santa Ana, CA 92701. It is the sole responsibility of the firm submitting the proposal to ensure that it is actually received by the District prior to the deadline time and due date and at the proper location. Unless this RFP is extended by a written amendment, proposals received after the due date and time, will not be considered.
- xiv. Proposals shall be completed in all respects as required by the instructions herein. A proposal may be rejected if it is conditional or incomplete, or if it contains alterations of form or other irregularities of any kind. A proposal will be rejected if, in the opinion of the DISTRICT, the information contained therein was intended to mislead the DISTRICT in the evaluation of the proposal.
- xv. The proposal submitted must not contain erasure, interlineations, or other corrections unless each correction is clearly and conspicuously authenticated by signing in the margin immediately opposite the correction the name of the person signing the proposal. An Offeror will be bound by the terms and conditions of the proposal, notwithstanding the fact that errors may be or are contained therein. However, if material errors are actually discovered in a proposal, the DISTRICT will notify the Offeror that the proposal, as submitted, appears to contain errors and require the Offeror to correct the errors.
- xvi. The DISTRICT requests that Offerors provide a best and final offer.
- xvii. The DISTRICT may request a meeting with the Offeror's representative to request answers and clarifications or it may request that the Offeror answer specific questions in writing, or to make a presentation to the District or to its Governing Board prior to any Agreement award.
- xviii. The DISTRICT may reject any or all proposals, and may waive informalities and minor irregularities in proposals received.
- xix. All proposals and materials submitted in response to this RFP shall become the property of the District and shall be considered a part of the Public Record.
- xx. After acceptance of the proposal by the District, a contract between the successful firm and the District will be executed and will consist of the terms and conditions of this RFP and the Statement of Work and Supplemental Terms and Conditions.

3. EXPLANATIONS TO OFFERORS:

- a. If an Offeror desires an explanation or clarification of any kind regarding this RFP, the Offeror must make a written request for such explanation. Requests should be made on the District web page at www.sausd.us/erate.
- b. The District will advise all Offerors known to have received a copy of the RFP of the explanation or clarification in the space provided on the abovementioned web site.
- c. If an Offeror discovers any error such as an ambiguity, conflict, discrepancy, omission, or other error in the RFP, then the Offeror shall immediately notify the District in writing.

4. AMENDMENTS:

Offerors are advised that the District reserves the right to amend this RFP at any time. Amendments will be done formally by providing written amendments to all potential Offerors known to have received a copy of the RFP. If in the sole and absolute discretion of the District, the change is of such a nature that additional time is required for Offeror to prepare proposals, the District will change the due date deadline and notify all known Offerors in writing of the revised deadline due date. All addendums will be posted on the District web site (www.sausd.us/erate).

- a. Offerors must acknowledge receipt of any and all RFP amendments. This shall be done by the following means:

On Bid Form.

- b. Failure to acknowledge in writing the receipt of any amendments may result in proposal rejection.

5. VALIDITY OF FIRM PROPOSAL/OFFER:

Each proposal/offer must be a firm irrevocable offer, and remain open and valid for sixty (60) days after RFP closing date.

6. SUBMITTING PROPOSALS:

Telegraphic or facsimile offers or electronic offers and modifications will NOT be considered.

7. MODIFICATION OR WITHDRAWAL OF PROPOSAL:

An Offeror may modify or withdraw a proposal after submission by written notice of withdrawal and re-submission provided that the proposal withdrawal is prior to the due date deadline specified for submission of proposals.

8. LATE PROPOSALS:

No proposal or proposal modification received after the due date deadline will be considered.

9. PROPOSAL EVALUATION:

- a. It is anticipated that a contract will be made with the Offeror whose proposal is determined to be in the overall best interest of the District by applying the evaluation criteria established in this RFP.
- b. A District Proposal Evaluation Committee will determine which, if any, proposal is in the District's overall best interest to accept. The committee members will utilize a scale of 100 points to score the proposals on the criteria identified. During the evaluation, the District may request proposal clarifications, explanations and answers from an Offeror. The District may request an Offeror presentation and interview.

c. EVALUATION CRITERIA

Offerors are advised that all proposals will be evaluated to determine which proposal is the overall best interest to the District. Accordingly, evaluation will include but not be limited to the following criteria:

- i. **Qualification:** To be considered, each of the following (4) items is required: (1) the Offeror is an authorized manufacturer's representative (2) the firm has no conflict of interest with regard to any other work performed by the firm for the District; (3) the firm has a SPIN number on file with the SLD; and (4) the firm submits a demonstrable record of quality work.
- ii. **Past Performance:** Experience and expertise of the firm in providing similar equipment and services to other public entities, especially a school district, and including the firm's experience and performance on comparable size school district engagements.
- iii. **Professional qualifications and specialized experience** of the proposed staff including the quality of the firm's professional personnel to be assigned to the engagements and the quality of the firm's management support personnel to be available for technical consultation; and the adequacy of the proposed staffing plan for various segments of the engagement and adequacy of analytical procedures.
- iv. **Current capacity and likelihood** of the firm to accomplish the services herein for the duration of the time frame specified in the "Statement of Work" which include working during holidays, weekends, swing shifts, evening times, etc.
- v. **Proposed Services** meet or exceed Districts specifications included
- vi. **Completeness and clarity** of proposal content.
- vii. **Fees and overall cost** to District.
- viii. If desired by the District to aid in the facilitation of evaluation, an oral interview and presentation.

10. AGREEMENT REQUIREMENTS:

The firm selected will also be required to promptly enter into an Agreement with the District. Particular attention should be paid to the following:

a. INSURANCE

The District requires that its must provide comprehensive liability, automobile liability and worker's compensation insurance coverage per local, state, and federal limits with the District listed as additional insured. This insurance is to be paid by the Contractor.

b. FINGERPRINTING AND CRIMINAL BACKGROUND INVESTIGATIONS

The firm must execute a Certification by Contractor, Criminal Records Check district form prior to the performance of any work.

c. COMPENSATION AND PAYMENT

The agreement will be for a fixed amount and will be paid for when work is completed. All invoices must be fully supported and detailed and reflect any actual time spent, equipment and material used, and units of work provided/completed.

11. PAYMENT TERMS

Payment will be made by the SLD and on a Net 30 day term by the District after all work is complete by the Contractor and accepted by the District. A final punch list may be required to be completed by Contractor prior to final acceptance of work.

12. SCHEDULE/WORK PRIORITIES:

Work is to commence on or after July 1, 2013 upon proposal acceptance by the District.

13. DELIVERY REQUIREMENTS:

Wide Area Network (WAN) Services to be provided for the period July 1, 2013 through June 30, 2014.

14. DRUG AND ALCOHOL FREE WORKPLACE:

The Contactor hereby certifies, under penalty of perjury, under the laws of the State of California that under the contract he will comply with the requirements of the Drug-Free Workplace Act of 1988 (Government Code Section 8350 et. seq.) and the Santa Ana Unified Board of Education's Policy (BP 4020). Therefore, the work site shall be kept drug and alcohol free at all times.

15. TOBACCO-FREE WORKPLACE:

The Contractor hereby agrees, under the contract, he will comply with the Santa Ana Unified Board of Education's Policy (BP 3515.3) which states: "The Governing Board recognizes the health hazards associated with tobacco products, including the breathing of second hand smoke and desires to provide a healthy environment for students and staff." Therefore, the work site shall be kept tobacco free and smoke-free at all times.

(END OF SECTION)

ATTACHMENT 1

FIRM PROPOSAL / OFFER FORM

This Proposal/Offer Form must be duly executed and submitted with any proposal/offer to SAUSD.

The Offeror hereby agrees that its proposal/offer is subject to all RFP 03-13 provisions, terms and conditions, attachments, exhibits, amendments and other applicable materials which are attached or incorporated by reference. Offeror hereby agrees to promptly enter into an agreement in substantial accordance with such RFP provisions, terms and conditions, and secure a performance bond within five (5) days of the Districts intent to award the contract.

The Offeror hereby agrees that its attached proposal/offer of which this is part, is a firm and irrevocable offer and valid for acceptance by SAUSD for the period sixty (60) days after closing. The Offeror hereby agrees that if its proposal/offer is accepted by SAUSD that it shall provide all of the equipment and services in accordance with the RFP, as it may be amended.

Total Cash Purchase Price (Not To Exceed) In Words and in Numbers

Pricing to be provided on attached worksheet

(\$_____)

Name of Person Duly Authorized to Execute this Proposal/Offer: _____

Duly Authorized Signature: _____

Title: _____

Date of this Proposal/Offer: _____

Offeror Name: _____

Offeror Address: _____

Offeror Telephone: _____

Offeror Facsimile: _____

ATTACHMENT 2

INFORMATION REQUIRED OF OFFEROR

The Bidder shall furnish all the following information accurately and completely. Failure to comply with this requirement will render the bid informal and may cause its rejection. Additional sheets may be attached if necessary. "You" or "your" as used herein refers to the bidder's firm and any of its owners, officers, directors, shareholders, parties or principals. District has discretion to request additional information depending on the Project.

(1) Firm name and address:

(2) Telephone: _____

(3) Type of firm: (check one)

Individual _____ Partnership _____ Corporation _____

(4) License No. _____ Class: _____

Name of license holder _____

(5) Have you or any of your principals ever been licensed under a different name or different license number? Response must include information pertaining to principals' association outside of the firm bidding this Project. _____ If Yes, give name and license number.

(6) Names and titles of all principals of the firm:

(7) Number of years as a contractor in this type of work:

(8) How many years experience has your firm had in school district work?

(a) as a general contractor? _____

(b) as a subcontractor? _____

(9) Has your firm or any of its principals defaulted so as to cause a loss to a surety? Response must include information pertaining to principals' association outside of the firm bidding this Project. _____ If the answer is "Yes," give dates, names and address of surety and details.

(10) Have you or any of your principals been assessed damages for any project in the past three years? Response must include information pertaining to principals' association outside of the firm bidding this Project. _____ If Yes, explain:

(11) Have you or any of your principals been in litigation or arbitration or dispute of any kind on a question or questions relating to a public construction project during the past three years? Response must include information pertaining to principals' association outside of the firm bidding this Project. _____ If Yes, provide name of public agency and details of the dispute.

(12) Have you or any of your principals ever failed to complete a project in the last three years? Response must include information pertaining to principals' association outside of the firm bidding this Project. _____ If so, give owner's name and details:

(13) Do you now or have you ever had any direct or indirect business, financial or other connection with any official, employee or consultant of the District? _____ If so, please elaborate.

List of References - Projects of similar nature preferably in a school/community college/university within the last three (3) years. DISTRICT has discretion to require more than three references.

1. Name: _____

Address and Telephone: _____

Contact Person: _____

Type of Project: _____

Dates of commencement and completion of Project:

Contract Amount: _____

Public Agency Inspector: _____

Address and Telephone: _____

2. Name: _____

Address and Telephone: _____

Contact Person: _____

Type of Project: _____

Dates of commencement and completion of Project:

Contract Amount: _____

Public Agency Inspector: _____

Address and Telephone: _____

3. Name: _____

Address and Telephone: _____

Contact Person: _____

Type of Project: _____

Dates of commencement and completion of Project:

Contract Amount: _____

Public Agency Inspector: _____

Address and Telephone: _____

I certify and declare under penalty of perjury under the laws of the State of California that the foregoing Information Required of Bidder pages 1 through 7 is true and correct. Executed this ____ day of

_____, 20____, at _____, State of _____,

_____ City, _____ County

Signature

Print Name

Title

Attachment #3

STATEMENT OF WORK

WIDE AREA NETWORK

1. PROJECT BACKGROUND

The SANTA ANA UNIFIED SCHOOL DISTRICT (SAUSD) has an on-going strategic plan which includes telecommunication services, connectivity, and support. SAUSD's technology infrastructure consists of a local area network installed at each campus with a wide area network connecting the campuses together. The District is seeking to leverage its investment in these areas to achieve maximum operating efficiencies and cost savings. The SAUSD is requesting proposals for a high speed state of the art fiber optic network service among its various sites as well as a high speed fiber optic connection to its Internet Service Provider, the Orange County Office of Education (OCDE). This connectivity is designed to accommodate both the present and future digital application needs. The intent is to achieve an industry standard based infrastructure which will enhance educational and administrative activities at all sites with the flexibility and support of future needs and activities.

2. E-RATE REQUIREMENT

The Telecommunications Act of 1996 established a fund by which Schools and Libraries across the Country could access discounts on eligible telecommunications products and services. The program is commonly known as the E-Rate Program. The eligibility for discounts on internet access, telecommunications products and services, and internal connection products, services and maintenance is determined by the Federal Communications Commission (FCC). Funding is made available upon application approval by the Schools and Libraries Division (SLD) of the Universal Service Corporation, which was established by the Act. The amount of discount is based on the numbers of children receiving free and reduced price meals. This project is entirely contingent upon available funding from the federal E-Rate program (Schools and Libraries Division) and the California Teleconnect Fund (CTF). The Santa Ana Unified School District may or may not undertake the project at its sole discretion.

The District intends to partially fund the services contemplated herein by leveraging the federal E-Rate program. Vendors should be familiar with and compliant with all applicable federal E-Rate policies. Proposals from vendors that are not E-Rate eligible will not be considered for this RFP. Vendors must provide a response to this RFP that is compliant with E-Rate. Vendors must submit their E-Rate Service Provider Identification Number (SPIN) in the vendor response. Vendors must submit their E-Rate Federal Communications Commission Registration Number (FCCRN) in the vendor response along with proof of FCC Green Light Status. The successful Service provider also must abide by the requirements for vendors under the E-rate program as set

forth by the E-Rate program administrators. These requirements include, but are not limited to; filing of all Form 474 forms, extension of appropriate discounts to the participating eligible entities, careful record keeping for auditing purposes, and the provision of any information participating eligible entities must submit as part of their filing requirements. The Service provider must identify and separate any costs that are associated with non E-Rate eligible entities and services as identified in the scope of work herein.

In addition, the Wide Area Network (WAN) high speed telecommunications services must also be eligible for, and receive, the applicable discounts funded through the California Teleconnect Fund (CTF) which is administered by the California Public Utilities Commission (CPUC). In accordance to CPUC resolution T-16763 all E-Rate program discounts must be posted via the Service Provider Invoice Form 474. The District will not file a Billed Entity Applicant Reimbursement Form 472 for applicable E-Rate discounts. SAUSD will require that the awarded service provider ensure that all eligible components of service are filed with the California Public Utilities Commission (CPUC) and are eligible for the California Teleconnect Fund (CTF) discount.

SAUSD has applied for E-Rate discounts since the program's inception. Service providers are required to be in full compliance with all current requirements and future requirements issued by the SLD for participation in the E-Rate program throughout the contractual period of any contract entered into with SAUSD as a result of this RFP.

- a. Additionally, respondents are required to submit the following to substantiate E-Rate Service Provider compliance.
 - i. Proposers Service Provider Identification Number (SPIN)
 - ii. Service Provider Annual Certification (SPAC) verification (2012/2013 and/or 2013/2014) (SPIN contact page from USAC website will suffice)
 - iii. Verification that the proposer is an eligible telecommunications provider (Y) for the telecommunications aspect of this RFP (SPIN contact page from USAC website will suffice)
 - iv. Proof that Proposer is not in FCC Red-Light Status
 - v. Requires FCC Registration Number and documentation from FCC.
Information can be accessed at <http://www.fcc.gov/redlight/>

3. PROJECT GOALS

The DISTRICT (SAUSD) is seeking telecommunication providers that are able to meet its data telecommunication needs. SAUSD presently utilizes fiber optic services running at 1 Gbps at majority of school locations. Appendix A provides a listing of all facilities.

4. QUALIFICATIONS

Please provide responses to the following questions as well as details to offer a comprehensive representation of your company and its services.

5. SCOPE OF PROJECT

Please provide the installation and monthly (ongoing) cost proposals for 3 and 5 year as follows:

- a. WIDE AREA NETWORK: A terrestrial based 1 Gigabit (1000 Mbps) and 10 Gigabit full duplex fiber optic (Ethernet capable) connectivity (minimum) from the network to all sites. The node information is located in Appendix A.
- b. DIGITAL TRANSMISSION TO ISP: Connectivity of 1 Gigabit (1000 Mbps) and 10 Gigabit from Santa Ana Unified School District Office (aggregate point of the network) to its Internet Service Provider, the Orange County Office of Education. The node information is located in Appendix A.
- c. The SAUSD main District Office at campus is to serve as the aggregate point for the network. The service may be delivered to the aggregate point at the design of the service provider as long as the minimum specified bandwidth is delivered.
- d. Proposals must include the attached pricing worksheet Appendix A. Please include the installation (one time) costs and monthly (ongoing) costs for all sites. Installation costs may be amortized into the monthly recurring charges.
- e. The Minimum Point of Entry (MPOE) and Demarcation point at each site and the in the Data Center at SAUSD District Office shall be determined by Santa Ana Unified School District technical staff. All cost proposals must include pricing to install services to the MPOE and Demarcation point. All sites shall terminate on an RJ-45 standard Ethernet jack or fiber cable handoff.
- f. Any network outage resolution shall be coordinated with SAUSD technical staff.
- g. An uptime guarantee of 99.5% or better shall be provided on a 24x7 basis average over a seven day period.
- h. The circuits shall be capable of carrying multiple IP data services such as computer networks, voice over IP, digital video, etc.
- i. All equipment necessary to provide this connectivity shall be provided with no option of transfer of ownership to SAUSD.

- j. All vendor equipment installed shall be under repair maintenance at no cost to SAUSD for the life of the contract agreement.
- k. Services cannot commence before July 1, 2013.
- l. The vendor shall provide three (3) references consisting of similar work and scope.

6. TRANSITION PLAN

As the cut-over date for any new carrier is July 1, 2013, SAUSD requires a transition plan to be provided with any proposal response. The plan is to include the resources to be dedicated to the transition, all costs associated with the transition, a timeline of actions with a completion target date for the service provider and for the SAUSD transition team. The transition plan is to outline the expectations the service provider team would have of SAUSD and the information or task SAUSD is to provide the service provider and the date any information or task would be required.

SAUSD reserves the option to terminate service, without penalty and full expectation of refund of any and all proceeds paid prior to date of termination of contract or services for balance of services not rendered, if the district is dissatisfied with the service.

Service Provider warrants that such facilities and services will maintain the performance criteria stated above at all times during the continuation of this Agreement. Service Provider warrants that it had good title to all elements of the facilities and services and has the legal right to contract with SAUSD for the installation and use of such facilities and services. Service Provider shall indemnify SAUSD and its trustees and employees against any claims or threat of claims brought by any third party alleging infringement of any proprietary rights.

7. CUSTOMER REQUIREMENTS

- a. Option for growth including, but not limited to, increases in bandwidth and/or additions of locations, as determined necessary by the District
- b. Options for removal of sites due to closures or re-organization requirements as deemed necessary by the District. *The District will require that there be no early termination charges or other penalties assessed in such situation that is determined to be outside the control of the District.*

8. INFORMATION REQUESTED

- a. Proposed solution pricing
- b. Special construction costs (curb to MPOE) should be amortized over the initial contract term as part of the MRC. **DISTRICT WILL NOT BE RESPONSIBLE FOR ANY EASEMENT/RIGHT OF WAY COSTS INCURRED BY THE PROPOSER WHILE IMPLEMENTING THE SOLUTION.** The Minimum Point of Entry (MPOE) and Demarcation point at each site and the in the Data Center at the District Office shall be determined by SAUSD technical staff. All cost proposals must include pricing to install services to the MPOE and Demarcation point.
- c. MRC for initial contract month term as well as MRC starting with contract renewal term.
- d. Include any one-time and recurring costs and explain any additional associated contractual obligations associated with growth option (as stated above).
- e. Support agreements including response times.

9. INSTRUCTIONS TO VENDORS

- a. General Information

All responses shall conform to instructions provided in this Request for Proposal (RFP) document.

- b. Site Walks (optional)

Vendors may walk the sites in order to inspect entrance facilities – Demarc to MPOE. Site walks are available upon appointment only.

- c. Installation Timeline

No billing can take place prior to July 1, 2013 though start up work can begin as early as January 1, 2013 in order to meet this deadline and maintain compliance with the E-Rate Program rules.

- d. Deadline for RFP Submittal

Vendors must submit all required documents prior to the deadline. All proposals shall be complete and final with no additional information required after the close of the submittal date, unless specifically requested by the District. Responses received after the deadline will be returned unopened as not meeting the RFP requirements

e. Request for Proposal Preparation Cost

Costs for preparing responses and any other related material is the responsibility of the VENDOR, and shall not be chargeable in any manner to the DISTRICT. The DISTRICT will not be held liable for any cost incurred by VENDORS in responding to the RFP.

f. Vendor Qualifications

Any individual firm submitting a proposal must be able to provide evidence that the individual or firm and its personnel carrying out the responsibilities have expertise and experiences in all areas identified in the Services Required section of this RFP. The vendor shall provide three (3) K-12 references consisting of similar work and scope.

g. Request for Proposal Submission Requirements

The content and sequence of the proposal will be as follows:

1. Cover Letter/Letter of Interest
2. Table of Contents
3. Vendor Company Data
4. Experience and Client References
5. Technical Capabilities
6. Vendor Qualifications
7. Cost Proposal
8. Transition Plan

VENDORS WILL BE REQUIRED TO RESPOND TO ALL WIDE AREA NETWORK/DIGITAL TRANSMISSION SERVICES AND LOCATIONS OF THE RFP.

h. References

Before awarding any contract, the DISTRICT reserves the right to require the vendor to submit evidence of qualifications, as it may deem appropriate. This evidence may be concerning financial, technical, and other qualifications as well as relevant experience and skills of the vendor.

Attachment # 4

		1 Gbps				10 Gbps			
		36 Month Pricing		60 Month Pricing		36 Month Pricing		60 Month Pricing	
		Recurring	Non-recurring	Recurring	Non-recurring	Recurring	Non-recurring	Recurring	Non-recurring
	ELEMENTARY SCHOOLS								
1	Adams 2130 S. Raitt St. 92704								
2	Carver 1401 W. Santa Ana Blvd. 92703								
3	Davis 1405 French St. 92701								
4	Diamond 1450 S. Center St. 92704								
5	Edison 2063 Orange Ave. 92707								
6	Esqueda 2240 S. Main St. 92707								
7	Franklin 210 W. Cubbon St. 92701								
8	Fremont 1930 W. Tenth St. 92703								
9	Garfield 850 Brown St. 92701								
10	Greenville Fundamental 3600 S. Raitt St. 92704								
11	Harvey 1635 S. Center St. 92704								
12	Heninger 417 W. Walnut St. 92701 5								
13	Heroes1111 Civic Center Dr. 92703								
14	Hoover 408 E. Santa Clara Ave. 92706								
15	Jackson 1143 Nakoma Dr. 92704								
16	Jefferson 1522 W. Adams St. 92704								
17	Kennedy 1300 E. McFadden Ave. 92705								
18	King 1001 S. Graham Ln. 92703								
19	Lincoln 425 S. Sullivan St. 92704								
20	Lowell 700 S. Flower St. 92703								
21	Madison 1124 E. Hobart St. 92707								
22	Martin 939 W. Wilshire Ave. 92707								
23	Monroe 417 E. Central Ave. 92707								
24	Monte Vista 2116 Monte Vista Ave. 92704								
25	Muir Fundamental 1951 N. Mabury St. 92705								
26	Pio Pico 931 W. Highland St 92703								
27	Remington 1325 E. Fourth St. 92701								

Attachment # 4

		1 Gbps				10 Gbps			
		36 Month Pricing		60 Month Pricing		36 Month Pricing		60 Month Pricing	
		Recurring	Non-recurring	Recurring	Non-recurring	Recurring	Non-recurring	Recurring	Non-recurring
28	Romero-Cruz 512 W. Santa Ana Blvd. 92703								
29	Roosevelt 501 S. Halladay St. 92701								
30	Santiago 2212 N. Baker St. 92706								
31	Sepulveda 1801 S. Poplar St. 92704								
32	Taft 500 W. Keller Ave. 92707								
33	Thorpe Fundamental 2450 W. Alton Ave. 92704								
34	Walker 811 E. Bishop Ave. 92701								
35	Washington Anahurst Pl. 92707								
36	Wilson 1317 N. Baker St. 92706								
	INTERMEDIATE SCHOOLS								
37	Carr 2120 W. Edinger Ave. 92704								
38	Lathrop 1111 S. Broadway St. 92707								
39	MacArthur Fund. 600 W. Alton Ave. 92707								
40	McFadden 2701 S. Raitt St. 92704								
41	Mendez Fund. 2000 N. Bristol St. 92706								
42	Sierra 2021 N. Grand Ave. 92705								
43	Spurgeon 2701 W. Fifth St. 92703								
44	Villa Fund. 1441 E. Chestnut Ave. 92701								
45	Willard 1342 N. Ross St. 92706								
	HIGH SCHOOLS								
46	Century 1401 S. Grand Ave. 92705								
47	Chavez 2128 S. Cypress Ave. 92707								
48	Godinez 3002 Centennial Rd. 92704								
49	Lorin Grisct Academy 1915 W. McFadden Ave. 92704								
50	Middle College 1530 W. 17th St. 92706								
51	Saddleback 2802 S. Flower St. 92707								
52	Santa Ana 520 W. Walnut St. 92701								
53	Segerstrom 2301 W. MacArthur Blvd. 92704								

Attachment # 4

		1 Gbps				10 Gbps			
		36 Month Pricing		60 Month Pricing		36 Month Pricing		60 Month Pricing	
		Recurring	Non-recurring	Recurring	Non-recurring	Recurring	Non-recurring	Recurring	Non-recurring
54	Valley 1801 S. Greenville St. 92704								
55	Community Day Intermediate/H.S. 804 N. Fairview Ave. 92701								
	INTERNET SERVICE PROVIDER								
56	Orange County Department of Education 200 Kalmus Drive Costa Mesa, 92626								
	DISTRICT SUPPORT CENTERS								
57	District Office 1601 E. Chestnut Ave. 92701								
58	FOOD 4 THOUGHT 1749 E. Carnegie Ave. 92705								
59	ROP 1815 S. Ritchey St.								
60	Achievement Reinforcement Center (ARC) Program 333 E. Walnut St. 92701								
61	Mitchell Child Development Ctr. 3001 W. Harvard St. 92704								
	TOTAL	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
	GRAND TOTAL (MONTHLY PLUS NON-RECURRING_		\$ -		\$ -		\$ -		\$ -

Attachment # 5

Qualifications:

Qualifications	Yes/No
1. The vendor must be able to guarantee network availability at least 99.5% of the time in a calendar month, and packet delivery of 99.5% or greater, except for outages caused by the customer's equipment, fiber cuts by third parties, acts of God, or other Force Majeure events.	
Please elaborate:	
2. Does your company monitor all telecommunication and connection to Internet service provider 24 hours per day, seven days per week, and 365 days per year?	
Please elaborate:	
3. Can your company ensure SAUSD 99.95% for all telecommunication and connection to Internet service provider availability during each week of service provided with telecommunication and connection to Internet service latency across your company's network, facilities and services not to exceed 30 milliseconds maximum?	
Please elaborate:	
4. Is your company able to provide, at no additional charge, immediate notification to SAUSD network department representative of any and all telecommunication and connection to Internet service outages or anomalies which affect the use of the facilities, circuits, or network within SAUSD?	
Please elaborate:	
5. Please provide the process for SAUSD to report any problems with the facilities, circuits, network or telecommunication and connection to Internet service provider including the minimum response time.	
Please elaborate:	
6. Provide details regarding your company's service center, including, but not limited to, staffing experience, process and priority service.	

Qualifications	Yes/No
Please elaborate:	
7. Your company will provide a non-performance policy with SAUSD which provides SAUSD a monthly credit equal to two times the monthly rate multiplied by the percentage of monthly outage to any site within SAUSD, when such faults, outages or anomalies are due to the oversight neglect or unreliability of your company's services.	
Please elaborate:	
8. Does your company maintain compliance with any and all legal requirements set forth under the California Public Utilities Commission and the Federal Communications Commission of the United States of America?	
Please elaborate:	
9. Does your company agree that SAUSD can reserve the option to terminate service, without penalty and full expectation of refund of any and all proceeds paid prior to date of termination of contract or services for balance of services not rendered?	
Please elaborate:	
10. Does your company agree that SAUSD can reserve the option to terminate service, without penalty and full expectation of refund of any and all proceeds paid prior to date of termination of contract or services for balance of services not rendered?	
Please elaborate:	

Attachment # 6

NONCOLLUSION DECLARATION TO BE EXECUTED BY
BIDDER AND SUBMITTED WITH BID
(Public Contract Code section 7106)

The undersigned declares:

I am the _____ of _____, the party making the foregoing bid.

The bid is not made in the interest of, or on behalf of, any undisclosed person, partnership, company, association, organization, or corporation. The bid is genuine and not collusive or sham. The bidder has not directly or indirectly induced or solicited any other bidder to put in a false or sham bid. The bidder has not directly or indirectly colluded, conspired, connived, or agreed with any bidder or anyone else to put in a sham bid, or to refrain from bidding. The bidder has not in any manner, directly or indirectly, sought by agreement, communication, or conference with anyone to fix the bid price of the bidder or any other bidder, or to fix any overhead, profit, or cost element of the bid price, or of that of any other bidder. All statements contained in the bid are true. The bidder has not, directly or indirectly, submitted his or her bid price or any breakdown thereof, or the contents thereof, or divulged information or data relative thereto, to any corporation, partnership, company, association, organization, bid depository, or to any member or agent thereof, to effectuate a collusive or sham bid, and has not paid, and will not pay, any person or entity for such purpose.

Any person executing this declaration on behalf of a bidder that is a corporation, partnership, joint venture, limited liability company, limited liability partnership, or any other entity, hereby represents that he or she has full power to execute, and does execute, this declaration on behalf of the bidder.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this declaration is executed on _____[date], at _____[city], _____[state].

Signature

Print Name

E-Rate Bid Assessment Worksheet
Funding Year 2013

District Name SANTA ANA UNIFIED SCHOOL DISTRICT

Bid # (if applicable) REP 04-13

Bid Due Date and Time 12/19/2012 9:30

Form 470# 612770001041790

Allowable Contract Date 12/18/2012

Project or Service
Description

TELECOMMUNICATION SERVICES FOR LOCAL AND LONG DISTANCE PHONE SERVICES AND DATA CONNECTIONS

Directions: Each factor is worth the same number of points as the weighting percentage. Vendors are rated on how well they meet each factor. The entries for all factors are then totaled for each vendor. The winning bidder is the one with the highest number of total points. The cost of E-Rate eligible goods and services must be weighted most heavily.

No. Factor		Cost of E-rate eligible service			
1	Cost of eligible goods and services (Must have the most points)	Cost of E-rate ineligible service			
2	Cost of ineligible goods and services	Total Cost of Service to District*			
3	Proposal qualifications	Total Points Available			
4	Past Performance				
5	Professional qualifications and specialized experience				
6	Capacity of bidder to perform work specified				
7	Services meet or exceed work specified				
8	Completeness and clarity of proposal				
9	Single vendor solution				
10	Proposed turnover schedule				
Total Points		0	0	0	0

* Total cost can include district man hours for training, transition of services, etc...
Per USAC Schools and Libraries News Brief dated December 3, 2010: "Applicants can have a bid evaluation criterion for preferred make and model or for adherence to local IT standards in their bid evaluation matrix."

Winning Bidder:

Disqualified Bidders and reason for disqualification:

Vendor Selected:
Approved By:
Title:
Date:

Bid Evaluation Matrix (Points Based) SAMPLE

There have been many requests for USAC to provide guidance with respect to what information should be included as you conduct your bidding process. Below is an example of information that may be helpful. In addition, retaining this type of information will be very helpful if USAC requests this information in the future. This example is not mandatory or intended to serve any other purpose than to respond to requests for guidance.

In this example, each factor is worth the same number of points as the weighting percentage. Vendors are rated on how well they met each factor. The entries for all factors are then totaled for each vendor. The winning bidder is the one with the highest number of total points. The cost of the eligible goods and services must be weighted most heavily.

No	Factors	Total Points Available	Vendor 1 143xxxxxx ABC Inc.	Vendor 2 143xxxxxx DEF Inc.	Vendor 3 143xxxxxx GHI Inc.	Vendor 4 143xxxxxx JKL Inc.
1	Cost of the Eligible Goods and Services	40 *	38	25	38	0
2	Experience	20	18	17	20	0
3	Availability	10	10	8	7	0
4	Minority Business Status	10	6	9	9	0
5	In State Preference	10	3	7	10	
6	Cost of the Ineligible products	5	4	1	5	
7	Project Management Expertises	5	2	1	5	
Total Points		100	81	68	94	0

* This number must be higher than all of the other numbers in this column.

Winning Bidder:

Vendor 3 (GHI, Inc.) is the winning bidder because it has the highest total points.

Disqualified Bidders:

Bidder Reason for Disqualification

JKL Inc All interested bidders received two weeks' notice of a required pre-bid conference.
JKL Inc. did not attend this conference and did not provide a reason for its absence.

<i>Total Cost of Service to District*</i>		\$ 1,005,696.00	\$ 860,100.00	\$ 661,200.00	\$ 640,500.00	
No.	Factor	Total Points Available	AT&T 5YR 1GB	ZAYO 5YR 1GB	SUNESYS 5YR 1GB	WARNER 5YR 1GB
1	Eligible cost of service per bid^	16	10	14	16	16
	Indirect cost of service*	14	12	14	14	11
	Total Cost of Service to District*	30	22	28	30	27

* Total cost included indirect costs such as district man hours for transition of services and necessary equipment changes and configuration.

^Note that the difference in cost of eligible services between Sunesys and Time Warner was not enough to be significant enough in raw scoring: Sunesys came in at 15.5 (rounded to 16) and Time Warner came in at 16 at lowest cost.

E-Rate Bid Assessment Worksheet
Funding Year 2013

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District Name SANTA ANA UNIFIED SCHOOL DISTRICT

Bid # (if applicable) RFP 03-13

Bid Due Date and Time 12/19/2012 9:00

Form 470# 612770001041790

Allowable Contract Date 12/18/2012

Project or Service
Description

WIDE AREA NETWORK SERVICES (WAN)

Directions: Each factor is worth the same number of points as the weighting percentage. Vendors are rated on how well they meet each factor. The entries for all factors are then totaled for each vendor. The winning bidder is the one with the highest number of total points. The cost of E-Rate eligible goods and services must be weighted most heavily.

Cost of E-rate eligible service												
Cost of E-rate ineligible service												
Total Cost of Service to District*												
No.	Factor	Total Points Available	AT&T 5YR 1GB	ZAYO 5YR 1GB	SUNESYS 5YR 1GB	TIME WARNER 5YR 1GB	AT&T 5YR 10GB	ZAYO 5YR 10GB	SUNESYS 5YR 10GB	TIME WARNER 5YR 10GB	SUNESYS 5YR 10GB	TIME WARNER 5YR 10GB
1	Cost of eligible goods and services (Must have the most points)	30	22	28	30	27	N/B	30	28	27	28	27
2	Cost of ineligible goods and services	5	5	5	5	5	N/B	5	5	5	5	5
3	Proposal qualifications	10	10	10	10	10	N/B	10	10	10	10	10
4	Past Performance	10	10	10	10	10	N/B	10	10	10	10	10
5	Professional qualifications and specialized experience	15	15	15	15	15	N/B	15	15	15	15	15
6	Capacity of bidder to perform work specified	15	15	15	15	15	N/B	15	15	15	15	15
7	Services meet or exceed work specified	15	15	15	15	15	N/B	15	15	15	15	15
8	Completeness and clarity of proposal	5	5	5	5	5	N/B	5	5	5	5	5
Total Points		100	92	98	100	97	0	100	98	97	98	97

* Total cost can include district man hours for training, transition of services, etc...
Per USAC Schools and Libraries News Brief dated December 3, 2010: "Applicants can have a bid evaluation criterion for preferred make and model or for adherence to local IT standards in their bid evaluation matrix."

Winning Bidder:
Sunesys and Zayo

Disqualified Bidders and reason for disqualification:

Vendor Selected: Sunesys 1GB Zayo 10GB
Approved By: Jon Geiszler, Director of Purchasing, Ricardo Enz, Director of ITC, Bob Chavez Manager of ITC
Title:
Date: 1/15/2013